REMARKS

Claims 1, 3, and 5-22 are pending in the application and all were rejected in the Office Action. Claims 1 and 15 are independent claims. Claims 3 and 5-14, and 16-22 depend from independent claims 1 and 15, respectively.

Applicant respectfully requests reconsideration of pending claims 1, 3, and 5-22, in view of the following remarks.

Amendments to claims 1 and 15

The Applicant amended claims 1 and 15 solely for clarification. The Applicant respectfully submits that no new matter is introduced by these amendments. Support for the amendments is found in the interpretation of the previous claims 1 and 15. Support for the previous claims 1 and 15, and, hence, the present claims 1 and 15 amended for clarification, are found at least in paragraphs [23], [24], and [32].

Rejection of Claims Under 35 U.S.C. 112, first paragraph

Claims 1, 3, and 5-22 were rejected under 35 U.S.C. 112, first paragraph as failing to comply with the written description requirement. The Applicant respectfully traverses the rejection. However, the Applicant amends claims 1 and 15 for clarification in the interest of expedited prosecution. Support for the amendments is found at least in paragraphs [23], [24], and [32].

The Applicant respectfully submits that the phrase in question, and the clarified amendment, should NOT b e interpreted as "generating an update package before applying the update package." Office Action, page 3. Rather, the amendment for claim 1 clearly discloses that the "first version is modified to correspond with the shift region list in the update package, and the encoded difference information is generated to comprise the differences between the second version and the modified first version." Claim 15 is similarly amended: "generating encoded difference information that comprises differences between the first version that is modified to correspond to the shift region list and the second version."

Rejection of Claims Under 35 U.S.C. 112, second paragraph

Claims 1, 3, and 5-22 were rejected under 35 U.S.C. 112, second paragraph as "failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention." The Applicant respectfully traverses the rejection.

Moreover, the Applicant respectfully submits that the amendments to claims 1 and 15 remove the phrase in question, and, therefore, this rejection is moot.

Rejection of Claims Under 35 U.S.C. 102(e)

Claims 1, 3, and 5-22 were rejected under 35 U.S.C. 102(e) as being anticipated by O'Neill. Without conceding that O'Neill qualifies as prior art under 35 U.S.C. 102(e), the Applicant respectfully traverses the rejection. Applicant has amended claims 1 and 15 to clarify the claims with respect to the 35 U.S.C. 112 rejections.

With regard to the anticipation rejections, MPEP 2131 states, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California,* 814 F.2d 628, 631 2 USPQ2d 1051, 1053 (Fed.Cir. 1987). MPEP 2131 also states, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.,* 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The Applicant respectfully submits that O'Neill fails to teach or suggest all the elements of claim 1:

> A mobile services network comprising:
> a mobile electronic device;
> a management server;
> an update package repository; and
> a generator for generating an update package used in updating firmware in the mobile electronic device from a first version to a second version, the update package comprising encoded difference information and a shift region list that identifies at least one region of the first version of firmware and an associated offset, wherein the first version is modified to correspond with the shift region list in the update package, and the encoded difference information is generated to comprise the differences between the second version and the modified first version.

Applicant respectfully submits that O'Neill does not disclose "... the update package comprising encoded difference information and a shift region list that identifies at least one region of the first version of firmware and an associated offset, wherein the first version is modified to correspond with the shift region list in the update package, and the encoded difference information is generated to comprise the differences between the second version and the modified first version."

Rather, O'Neill discloses "...an update generator that compares an image of the first plurality of digital information sequences comprising the updated operating code to an image of the second plurality of digital information sequences comprising the resident operating code and identifies differences between of the updated operating code and the resident operating code and thereafter generates an update package comprising an instruction set which specifies how to generate the updated operating code utilizing at least a portion of the second plurality of digital information sequences of the resident operating code." (Col. 4, lines 3-13)

Accordingly, it can be seen that O'Neill discloses comparing a first image to a second image to identify differences between the two images, and generating an update package. The Office Action states that "[the] shift region and offset correspond to O'Neill's use of and instructions for how to use existing code, encoded difference information corresponds to new information that must be added or removed from the original."

However, O'Neill does NOT disclose anything about the update package comprising "encoded difference information and a shift region list." Nor does O'Neill disclose "the **first version is modified** to correspond with the shift region list in the update package, and the encoded difference information is generated to comprise the **differences between the second version and the modified first version.**" As the Applicant cannot see where O'Neil discloses these portions of claim 1, the Applicant respectfully requests that the Examiner point more specifically to where O'Neil discloses "encoded difference information **and** a shift region list" and "the **first version is modified** to correspond with the shift region list in the update package, and the

encoded difference information is generated to comprise the **differences between the second version and the modified first version**."

Based at least upon the above, Applicant respectfully submits that since O'Neill fails to teach or suggest each and every element of Applicant's amended claim 1, as required by M.P.E.P. §2131, the rejection of claim 1 cannot be maintained.

Therefore, Applicant believes that amended claim 1 is allowable, for at least the reasons set forth above. Applicant respectfully submits that claims 3 and 5-14 depend from claim 1. Because claims 3 and 5-14 depend from allowable claim 1, Applicant respectfully submits that claims 3 and 5-14 are also allowable, for at least the same reasons. Therefore, Applicant respectfully requests that the rejection of claims 1-14 under 35 U.S.C. §102(e) be withdrawn.

With regard to rejection of claim 15, the Applicant respectfully points out that claim 15 quoted in the Office Action is not the pending claim 15. The Office Action seems to have copied a previous version of the claim 15. Accordingly, the Applicant respectfully submits that claim 15 is allowable. Because claims 16-22 depend from the allowable claim 15, the Applicant respectfully submits that the claims 16-22 are also allowable.

Response to Arguments

The Office Action states that "Applicant's arguments files 08 May 2007 have been fully considered but they are not persuasive." Page 12. As the Applicant amended independent claims 1 and 15 for clarity, the reasoning stated in this section of the Office Action is moot.

As presented previously, the Applicant believes that O'Neil does not anticipate claims 1 and 15.

Conclusion

In general, the Office Action makes various statements regarding claims 1, 3, and 5-22 and the cited references that are now moot in light of the above. Thus,

Applicant will not address such statements at the present time. However, the Applicant expressly reserves the right to challenge such statements in the future should the need arise (e.g., if such statements should become relevant by appearing in a rejection of any current or future claim).

The Applicant believes that all of claims 1, 3, and 5-22 are in condition for allowance. Should the Examiner disagree or have any questions regarding this submission, the Applicant invites the Examiner to contact the undersigned at (312) 775-8000 for an interview.

A Notice of Allowability is courteously solicited.

Respectfully submitted,

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